

CE08335R
PATENT

#7
3/4/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ghosh, Amitava, et al. EXAMINER: Unknown
SERIAL NO.: 09/742,905 GROUP: 2661
FILED: December 20, 2000 CASE NO.: CE08335R
TITLED: MULTI CHANNEL STOP AND WAIT ARQ COMMUNICATION
METHOD AND APPARATUS

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196

February 12, 2004

Certificate of Transmission under 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.	
on <u>February 12, 2004</u>	<u>2/12/2004</u>
Motorola, Inc.	Date
Name of applicant, assignee, or Registered Representative	
<u>[Signature]</u>	
Signature	

EXPEDITED PETITION UNDER 37 CFR 1.53(b)
TO REQUEST ORIGINAL FILING DATE OF APPLICATION

Office of Petitions
Assistant Commissioner for Patents
BOX: DAC
Washington, DC 20231

This letter serves as a petition to request the original filing date for the
above entitled patent application, pursuant to 37 CFR 1.53(b) which states, in
pertinent part:

CE08335R
PATENT

The filing date of an application for patent filed under this section . . . is the date on which a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. (emphasis added)

The present application was filed on December 20, 2000 with a specification containing a description, seven (7) claims and two sheets of informal drawings containing the following figures: Figure 1 Dual channel receiver flow chart, Figure 2 Single Source/Single Channel Dual-Channel Model and Figure 3 Multi-Source/Single Channel Dual Channel Model. A filing receipt showing a December 20, 2000 filing receipt was subsequently issued by the US PTO on February 6, 2001 (confirmation no. 8962). The US PTO also issued a Notice to File Missing Parts of Nonprovisional Application on February 6, 2001. The Notice stated, inter alia, that Figure 4, described in the specification, appeared to have been omitted from the application. Upon investigation, Applicants learned that the original application was filed with FIG. 1 omitted and that originally filed FIG. 1 Dual channel receiver flow chart should have been labeled FIG. 4 Dual channel receiver flow chart. Applicants further learned that originally omitted FIG. 1 depicted a prior art ARQ system. In lieu of responding to the Notice to File Missing parts, Applicants filed a Preliminary Amendment on March 15, 2001 that moved the description of FIG. 1 to the Background section of the patent application. Applicant also submitted marked up drawings including originally omitted FIG. 1, FIGs. 2 and 3 showing no changes, and originally submitted FIG. 1 Dual channel receiver flow chart changed to FIG. 4 Dual channel receiver flow chart. The US PTO did not receive the first transmission of the Preliminary Amendment, so Applicants resubmitted the Preliminary Amendment on May 2, 2002. The US PTO received the resubmitted Preliminary Amendment on May 10, 2002.

In response to receipt of the Preliminary Amendment, the US PTO issued an updated filing receipt showing a filing date of March 19, 2001 (the date the PTO received Applicants Preliminary Amendment). Applicants hereby petition the USPTO to issue a corrected filing receipt showing the original filing date of

CE08335R
PATENT

December 20, 2000. Applicants submit that pursuant to 37 CFR 1.53(b), no new matter was introduced into the patent application after the original filing date of December 20, 2000. As shown in the attached preliminary amendment, a figure depicting a prior art system, FIG. 1, was added into the patent application and the specification was amended to move the description of FIG. 1 to the background section. Thus, Applicants submit that pursuant to 37 CFR 1.53(b), the date on which the specification as prescribed by 35 U.S.C. 112 containing a description pursuant to § 1.71, at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a) was filed in the Patent and Trademark Office on December 20, 2000, the original filing date.

Commissioner is hereby authorized to charge the petition fee to deposit account No. 50-2117.

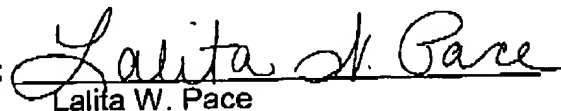
Respectfully submitted,
Ghosh, Amitava, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By:



Lalita W. Pace

Attorney for Applicant

Registration No.: 39,427

Telephone: 847-538-5855

Fax: 847-576-3750

50

JCWSCS 1 FEB 2004

2600

Feb-12-04 04:55pm From-MOTOROLA

18475763750

T-534 P.001/006 F-163



MOTOROLA

FAX TRANSMITTAL SHEET

Motorola, Inc.
Intellectual Property Section
Law Department
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Telephone: (847) 576-3635

Facsimile: (847) 576-3750

6

Number of Pages (including this page)

Date: February 12, 2004
To: Examiner UNKNOWN - Group 2661
Location: United States Patent and Trademark Office
Fax No.: 703-746-9195
From: Lalita W. Pace (Registration No. 39,427)
Subject: Serial No. 09/742,905 - Ghosh et al.

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

MESSAGE:

Enclosed herewith, please find a RESPONSE Office Action for filing in the below identified application.

RECEIVED

MAR 04 2004

PLEASE GIVE THESE PAPERS TO:

Technology Center 2600

EXAMINER:	UNKNOWN
GROUP ART UNIT:	2661
SERIAL NO.:	09/742,905
FILED:	12/20/2000
INVENTOR:	Ghosh et al.
ATTORNEY DOCKET NO.:	CE08950R

PTO/SB/Z1 (08-00)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/742,905
		Filing Date	12/20/2000
		First Named Inventor	Ghosh et al.
		Group Art Unit	2661
		Examiner Name	UNKNOWN
Total Number of Pages in this Submission	4	Attorney Docket Number	CE08950R
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	
		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recording of Document	
Remarks			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Lalita W. Pace	Registration No.	39,427
Signature	<i>Lalita W. Pace</i>		
Date	February 12, 2004		
CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to Commissioner for Patents, Washington, DC 20231, on the date listed below:			
Typed or printed name	Nanette Orr		
Signature	<i>Nanette Orr</i>		Date February 12, 2004

FEE TRANSMITTAL Patent fees are subject to annual revision		Complete if Known	
		Application Number	09/742,905
		Filing Date	12/20/2000
		First Named Inventor	Ghosh et al.
		Examiner Name	UNKNOWN
		Group Art Unit	2661
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08950R

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																										
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number <u>50-2117</u></p> <p>Deposit Account Name <u>Motorola, Inc.</u></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="text-align: center;"><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>1570</td><td>2255</td><td>895</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1300</td><td>2501</td><td>650</td><td>Utility issue fee (or rehearing)</td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td></tr><tr><td>1450</td><td>130</td><td>1450</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>60</td><td>Processing fee under 37 CFR 1.17(a)</td></tr><tr><td>1803</td><td>160</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr></tbody></table>	Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	110	2251	55	Extension for reply within first month	1252	410	2252	205	Extension for reply within second month	1253	930	2253	465	Extension for reply within third month	1254	1450	2254	725	Extension for reply within fourth month	1255	1570	2255	895	Extension for reply within fifth month	1401	320	2401	160	Notice of Appeal	1402	320	2402	160	Filing a brief in support of an appeal	1403	280	2403	140	Request for oral hearing	1451	1510	1451	1510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1300	2453	650	Petition to revive - unintentional	1501	1300	2501	650	Utility issue fee (or rehearing)	1502	470	2502	235	Design issue fee	1503	630	2503	315	Plant issue fee	1450	130	1450	130	Petitions to the Commissioner	1807	50	1807	60	Processing fee under 37 CFR 1.17(a)	1803	160	1806	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	1801	750	2801	375	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	Other fee (specify) _____				
Large Entity		Small Entity		Fee Description																																																																																																																																																							
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																								
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																							
1052	50	2052	25	Surcharge - late Provisional filing																																																																																																																																																							
1053	130	1053	130	Non-English specification																																																																																																																																																							
1812	2520	1812	2520	For filing a request for ex parte Reexamination																																																																																																																																																							
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																							
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																							
1251	110	2251	55	Extension for reply within first month																																																																																																																																																							
1252	410	2252	205	Extension for reply within second month																																																																																																																																																							
1253	930	2253	465	Extension for reply within third month																																																																																																																																																							
1254	1450	2254	725	Extension for reply within fourth month																																																																																																																																																							
1255	1570	2255	895	Extension for reply within fifth month																																																																																																																																																							
1401	320	2401	160	Notice of Appeal																																																																																																																																																							
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																							
1403	280	2403	140	Request for oral hearing																																																																																																																																																							
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																							
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																							
1453	1300	2453	650	Petition to revive - unintentional																																																																																																																																																							
1501	1300	2501	650	Utility issue fee (or rehearing)																																																																																																																																																							
1502	470	2502	235	Design issue fee																																																																																																																																																							
1503	630	2503	315	Plant issue fee																																																																																																																																																							
1450	130	1450	130	Petitions to the Commissioner																																																																																																																																																							
1807	50	1807	60	Processing fee under 37 CFR 1.17(a)																																																																																																																																																							
1803	160	1806	180	Submission of IDS																																																																																																																																																							
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																							
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																							
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																							
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																							
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																							
Other fee (specify) _____																																																																																																																																																											
<p>1. BASIC FILING FEE</p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Fee Code</th><th>Large Fee (\$)</th><th>Small Fee Code</th><th>Small Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr><tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr></tbody></table> <p style="text-align: right;">SUBTOTAL (1) (\$ 0.00)</p>	Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee																																																																																																																								
Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid																																																																																																																																																						
1001	750	2001	375	Utility filing fee																																																																																																																																																							
1002	330	2002	165	Design filing fee																																																																																																																																																							
1003	520	2003	260	Plant filing fee																																																																																																																																																							
1004	750	2004	375	Reissue filing fee																																																																																																																																																							
1005	160	2005	80	Provisional filing fee																																																																																																																																																							
<p>2. EXTRA CLAIM FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Total Claims</th><th>Previously Paid**</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Independent Claims</td><td>20</td><td>3</td><td>18</td><td></td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td>84</td><td></td></tr><tr><td colspan="4"></td><td>283 =</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Fee Code</th><th>Large Fee (\$)</th><th>Small Fee Code</th><th>Small Fee (\$)</th><th>Fee Description</th></tr></thead><tbody><tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr><tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td></tr><tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td></tr><tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>* Reissue independent claims over original patent</td></tr><tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>* Reissue claims in excess of 20 and over original patent</td></tr></tbody></table> <p style="text-align: right;">SUBTOTAL (2) (\$ 0.00)</p> <p><small>**OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE. *For Reissues, see above</small></p>	Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid	Independent Claims	20	3	18		Multiple Dependent			84						283 =	Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	140	Multiple dependent claim, if not paid	1204	84	2204	42	* Reissue independent claims over original patent	1205	18	2205	9	* Reissue claims in excess of 20 and over original patent																																																																																																									
Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid																																																																																																																																																							
Independent Claims	20	3	18																																																																																																																																																								
Multiple Dependent			84																																																																																																																																																								
				283 =																																																																																																																																																							
Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description																																																																																																																																																							
1202	18	2202	9	Claims in excess of 20																																																																																																																																																							
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																							
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																							
1204	84	2204	42	* Reissue independent claims over original patent																																																																																																																																																							
1205	18	2205	9	* Reissue claims in excess of 20 and over original patent																																																																																																																																																							
<p>SUBMITTED BY</p> <p>Name (Print/Type) <u>Lalita W. Pace</u></p> <p>Signature <u>Lalita W. Pace</u></p>		<p style="text-align: center;">Complete (if applicable)</p> <p>Registration No. <u>39,427</u> Telephone <u>847/538-5855</u></p> <p>Date <u>February 12, 2004</u></p>																																																																																																																																																									